IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M. JOSEPH

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 16117 of 2007(R)

PETITIONER:

P. APPUKUTTAN PILLAI, HIGH SCHOOL ASSISTANT, GOVERNMENT MODEL BOYS HIGH SCHOOL, KOLLAM, RESIDING AT THAMARASSERRY HOUSE, PERUMPUZHA, KOLLAM.

BY ADV. SRI. K.G. CLEETUS

RESPONDENTS:
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1. **THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.**

2. **THE KOLLAM CORPORATION, KOLLAM, REPRESENTED BY ITS SECRETARY.**

3. **G. BHAVANANDAN (RETIRED HEADMASTER, GOVERNMENT TTI, KOLLAM) RESIDING AT KAIRALI, THEKAVILLA P.O., KOLLAM - 16.**

BY ADV. SRI. B. VINOD for R2.
SRI. S. SANTHOSH KUMAR for R3
GOVERNMENT PLEADER SRI. P.K. RAVISANKAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16117 of 2007(R)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE JUDGMENT IN WPC. NO. 11696/2001**
EXT. P2	**:**	**COPY OF THE JUDGMENT DATED 01.07.2003 IN OP 10116/2002.**
EXT. P3	**:**	**COPY OF THE PETITION DATED 12.12.2006 FILED BY THE 3RD RESPONDENT.**
EXT. P4	**:**	**COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.**
EXT. P5	**:**	**COPY OF THE ORDER DATED 27.3.07 ISSUED BY THE OMBUDSMAN.**

// True Copy //

P.A. to Judge.

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K.M.JOSEPH, J.

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W.P.(C).No.16117 OF 2007

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Dated this the 16th day of July, 2007

JUDGMENT

Petitioner challenges Ext.P5. By Ext.P5, the Ombudsman has, on the basis of the referred case by the Government, ordered steps to be taken by the second respondent to release the amount contained in the notice sent by the Corporation including the attachment from salary and also revenue recovery proceedings. According to the petitioner, he has submitted Ext.P4 pointing out that he is appointed as examiner in the S.S.L.C. examination. But, it is without considering the same and without hearing the petitioner, the order is passed, it is stated.

I find that Ext.P5 is seen passed against the petitioner and the matter itself is closed. In the nature of the order I passed it would have been more appropriate that an opportunity of hearing was given to the petitioner and a decision taken. In such circumstances, Ext.P5 is to be quashed for the reason that petitioner was not given an opportunity of hearing. Accordingly,

Ext.P5 is quashed and the first respondent will consider the matter afresh with opportunity of hearing to the petitioner, second respondent and the third respondent and pass appropriate orders in accordance with law within a period of two months from the date of production of a copy of this judgment. Learned counsel for the second respondent submits that even from 2004 onwards recovery was being effected from the petitioner. I make it clear that I have not pronounced on the validity of that recovery.

(K.M.JOSEPH, JUDGE)

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